IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINETH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 25495 of 2003

Between:

1. Excel Law Book House, A Partnership firm at H.No.3-4-137, Flat No.3, Lakhanday Apartments, Bharkatpura, Hyderabad rep., by its Partner Sanjeev Lokhanday.
2. Smt.Amrutha A.Lokhanday, w/o Arun H.Lokanday
   Household, r/o Barkatpura, Hyderabad.

..... PETITIONERS

AND

1 Union of India, rep., by its Secretary, Ministry of Law, Sastry Bhavan, R.P.Road, New Delhi.
2 State Bank of Hyderabad, Malakpet Branch, Hyderabad, rep., by its Chief Manager

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ or direction declaring the provisions of the section 13, 15 & 34 of the Securitisation and Reconstruction of Financial Assets and Enforcement of security Interest Act as illegal, arbitrary and violative of Articles 14, 19, 21 & 50 of the Constitution of India. Further declare the notices of the 2nd respondent dated 6-8-2003 and 28-11-2003 u/s.13(2) and 13(4) of the said Act as illegal, arbitrary and unenforceable consequently set aside the same.

Counsel for the Petitioner: MR.V.RAVINDER RAO

Counsel for the Respondent No.1: MR.A.RAJASHEKAR REDDY (SC FOR CG)

Counsel for the Respondent No.2 : Mr Ch. Ravindra Babu

The Court made the following ORDER:

(per Hon'ble Sri Devinder Gupta, The Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARDIA CHEMICALS LTD v UNION OF INDIA & ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this writ petition cannot be granted. Writ petition is, therefore, dismissed.

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DEVINDER GUPTA, CJ

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G.ROHINI, J

29th June, 2004.

nmr

ASSISTANT REGISTRAR

// true copy //

SECTION OFFICER

To

1 Secretary, Union of India, Ministry of Law, Sastry Bhavan, R.P.Road, New Delhi.
2 Chief Manager, State Bank of Hyderabad, Malakpet Branch, Hyderabad.

3. 2 CD copies.